



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 94**

November 1, 1995 – Offered by COMMITTEE ON HEALTH, HUMAN SERVICES AND AGING.

1     **AN ACT** *to repeal* 46.238 (2) and 146.0255 (5); *to renumber* 46.238 (1); and *to*  
2     *amend* 146.0255 (2) of the statutes; **relating to:** permitting testing of an infant  
3     for controlled substances, in certain circumstances, without consent of the  
4     parent or guardian and eliminating termination of the testing program.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5     **SECTION 1.** 46.238 (1) of the statutes is renumbered 46.238.

6     **SECTION 2.** 46.238 (2) of the statutes is repealed.

7     **SECTION 3.** 146.0255 (2) of the statutes is amended to read:

8     146.0255 (2) TESTING. Any hospital employe who provides health care, social  
9     worker or ~~foster care or treatment foster care~~ intake worker under ch. 48 may refer  
10    an infant to a physician for testing of the infant's bodily fluids for controlled  
11    substances if the hospital employe who provides health care, social worker or ~~foster~~  
12    ~~care or treatment foster care~~ intake worker suspects that the infant has controlled  
13    substances in the infant's bodily fluids because of the mother's ~~ingestion~~ use of  
14    controlled substances while she was pregnant with the infant. The physician may

**SECTION 3**

1 test the infant to ascertain whether or not the infant has controlled substances in the  
2 infant's bodily fluids, ~~if the parent or guardian consents to the testing and if the~~  
3 physician determines that there is a serious risk that there are controlled substances  
4 in the infant's bodily fluids because of the mother's ~~ingestion~~ use of controlled  
5 substances while she was pregnant with the infant. If the results of the test indicate  
6 that the infant does have controlled substances in the infant's bodily fluids, the  
7 physician shall make a report under s. 46.238.

8 **SECTION 4.** 146.0255 (5) of the statutes is repealed.

9 (END)